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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,790	06/04/2001	Jody L. Terrill	10002274-1	5821

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,790

Applicant(s)

TERRILL, JODY L.

Examiner

LaShonda T Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipate by Carney et al (hereinafter, "Carney", 6,449,663).

As per claims 1, 26 and 27, Carney discloses a method and computer program for adapting the polling rate for collecting job information from a device, the method comprising the steps of:

- querying a device for job information (col. 3, lines 29-36, lines 56-67 and col. 4, lines 1-14);
- determining a state of job progress from the job information (col. 4, lines 27-34);
- setting a delay time depending upon the state of job progress (col. 4, lines 27-34); and
- querying the device for job information after the delay time has passed (col. 4, lines 27-34 and lines 41-48).

As per claim 2, Carney discloses:

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- wherein an application-layer protocol is employed to poll the device (col. 2, lines 60-67 and col. 3, lines 1-22).

As per claim 3, Carney discloses:

- wherein a network management protocol request is employed to poll the device (col. 3, lines 23-36).

As per claim 4, Carney discloses:

- wherein a Simple Network Management Protocol (SNMP)-enabled application is employed to poll the device (col. 3, lines 3-12).

As per claim 5, Carney discloses:

- wherein the device is a network-connected device (col. 3, lines 50-55).

As per claim 6, Carney discloses:

- wherein the device is a printer (col. 2, lines 52-53).

As per claim 7, Carney discloses:

- wherein the job information comprises print job information (col. 3, lines 29-43).

As per claim 8, Carney discloses:

- wherein the delay time is set to be no less than an acceptable delay time (col. 3, lines 66-67, col. 4, lines 1-7 and col. 5, lines 46-54).

As per claim 9, Carney discloses wherein the step of setting a delay time includes the steps of:

- adjusting an expected job completion time depending upon the state of job progress (col. 3, lines 66-67, col. 4, lines 1-7, lines 52-60 and col. 5, lines 46-54); and

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- determining the delay time from the expected job completion time (col. 3, lines 66-67, col. 4, lines 1-7, lines 52-60 and col. 5, lines 46-54).

As per claim 10, Carney discloses:

- wherein the delay time is set to be less than the expected job completion time (col. 4, lines 28-35).

As per claim 11, Carney discloses:

- wherein the delay time is set to be approximately one half of the expected job completion time (col. 4, lines 42-49).

As per claim 12, Carney discloses:

- wherein the delay time is set to be within a range of values bounded by a minimum delay time and a maximum delay time (col. 4, lines 52-60).

As per claim 13, Carney discloses a method for adapting the polling rate for collecting job information from a device, the method comprising the steps of:

- querying a device for information (col. 3, lines 29-36, lines 56-67 and col. 4, lines 1-14);
- determining an expected job completion time from the information (col. 4, lines 27-34);
- setting a delay time depending upon the expected job completion time (col. 4, lines 27-34); and
- querying the device for job information after the delay time has passed (col. 4, lines 27-34 and lines 41-48).

As per claim 14, Carney discloses:

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- wherein the information comprises a rated speed of the device (col. 5, lines 37-45).

As per claim 15, Carney discloses:

- wherein the rated speed is a rated engine speed (col. 5, lines 37-45).

As per claim 16, Carney discloses:

- wherein the rated speed is a rated print speed (col. 5, lines 37-45).

As per claim 17, Carney discloses:

- wherein the expected job completion time is a best case job completion time (col. 5, lines 37-45).

As per claim 18, Carney disclose a method for adapting the polling rate for collecting job information from a device, the method comprising the steps of:

- (a) querying a device for device and/or job information according to a polling rate (col. 3, lines 29-36, lines 56-67 and col. 4, lines 1-14);
- (b) adjusting the polling rate depending upon the device and/or job information (col. 3, lines 66-67, col. 4, lines 1-7, lines 52-60 and col. 5, lines 46-54); and
- (c) repeating steps (a) and (b) until a job associated with the device and/or job information is completed (col. 3, lines 66-67, col. 4, lines 1-7, lines 52-60 and col. 5, lines 46-54).

As per claim 19, Carney discloses

- wherein the polling rate is adjusted such that a delay time until a next query to the device is no less than an acceptable delay time (col. 3, lines 66-67, col. 4, lines 1-7, lines 52-60 and col. 5, lines 46-54).

As per claims 20, Carney discloses:

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- wherein the polling rate is adjusted such that a delay time until a next query to the device is set to be within a range of values bounded by a minimum delay time and a maximum delay time (col. 4, lines 52-60).

As per claim 21, Carney discloses wherein the device information comprises:

- a function performance rating (col. 3, lines 29-43).

As per claim 22, Carney discloses wherein the function performance rating is:

- a printing speed rating (col. 5, lines 37-45).

As per claim 24, Carney discloses wherein the job information comprises:

- job progress information (col. 5, lines 37-45).

As per claim 24, Carney discloses wherein the job progress information comprises:

- print job progress information (col. 5, lines 37-45).

As per claim 25, Carney discloses wherein the job information comprises:

- print job information (col. 5, lines 37-45).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,615,161 to Carney et al

U.S. Pat. No. 6,453,26 to Carney et al

U.S. Pat. No. 6,532,491 to Lakis et al

U.S. Pat. No. 5,862,404 to Onaga

U.S. Pat. No. 6,814,510 to Sabbagh et al

U.S. Pat. No. 6,266,693 to Onaga et al

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U.S. Pat. No. 6,748,471 to Keeney et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
December 3, 2004



SALEH NAJJAR
PRIMARY EXAMINER